

FILED
MISSOULA, MT
2007 MAY 31 AM 8 15
PATRICK E. DUFFY
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RANDY ALLEN DENNISON,)	CV 06-105-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
WARDEN DAN O'FALLON, Cascade)	
County Regional Prison, et al.,)	
)	
Defendants.)	
_____)	

United States Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 11, 2007. Plaintiff did not file objections and is therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended that Dennison's complaint be


dismissed because it fails to state a claim for which relief may be granted. I find no clear error in Judge Lynch's Findings and Recommendation (dkt #9) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Dennison's complaint (dkt #1) is DISMISSED WITH PREJUDICE;

IT IS FURTHER ORDERED that action counts as one strike for failure to state a claim pursuant to 28 U.S.C. § 1915(g); and

IT IS FURTHER ORDERED that pursuant to Fed. R. App. P. 24(a)(3), the Court certifies that any appeal from this disposition will be taken in bad faith.

DATED this 21st day of May, 2007.



Donald W. Molloy, Chief Judge
United States District Court